



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



February 15, 2007

Bruce W. McClendon FAICP
Director of Planning

TO: Esther L. Valadez, Chair
Harold V. Helsley, Chair
Leslie G. Bellamy, Commissioner
Wayne Rew, Commissioner
Pat Modugno, Commissioner

FROM: Susan Tae, AICP, Section Head
Land Divisions Section

**SUBJECT: MODIFICATION TO RECORDED TRACT MAP NO. 45023 – (5)
AGENDA ITEM NO. 6x; FEBRUARY 21, 2007**

PROJECT BACKGROUND

As you may recall, Modification to Recorded Tract Map No. 45023 ("TR 45023") is a request to eliminate conditions related to offsite public improvements and dedication of easements, payment in lieu of offsite improvements, and improvements required to Lost Canyon Road (proposed Major Highway) and Jakes Way. The modification also requests addition of conditions to construct connecting fire access between Jakes Way and existing driveway, and dedicate easements over driveways for public use. The project is located easterly of the Antelope Valley (CA-14) Freeway, north of Medley Ridge Drive, south of the Santa Clara River and westerly of Woodfall Avenue in the Sand Canyon Zoned District.

The project was originally approved by the Los Angeles County Board of Supervisors ("Board") in 1994 for a condominium project of 752 attached condominiums on 23 multi-family lots, along with a plan amendment, zone change, conditional use permit and oak tree permit. After tentative approval, five amendments have been processed for the subdivision, with the last amendment approved on June 1, 2004. The subdivision recorded in three phases, with the last phase recorded on July 14, 2004. The project is now fully constructed, and occupied as for lease only.

Your Commission opened the public hearing on January 17, 2007, and after taking brief testimony from the applicant and testimony from one person in opposition, your Commission continued the public hearing to February 21, 2007 to allow time for further evaluation of the legal issues raised by the applicant since release of the staff report. The applicant had also requested a continuance for additional time to address the issues.

PROJECT ISSUES

The project was originally approved with requirements for the connection Lost Canyon Road and Jakes Way, which would be offsite. The project was also allowed for phasing, so that a maximum of 300 units could record until a second means of access was provided. Originally the second means of access was to be Jakes Way under the Antelope Valley Freeway, but was amended as part of Amendment No. 1 in 1999 for Jakes Way to be the project's primary access, and Lost Canyon Road from the south as its secondary means.

Over the course of five years, the project was amended five times that incrementally increased the maximum number of units that may record on a single means of access. The maximum number of units was also permitted to increase to a much higher threshold with construction of a

temporary private driveway as the temporary second means.

Due to difficulty in negotiations with the adjacent property owner(s), the project's last amendment in 2004 ultimately requested, and was approved, that in lieu of required dedication for offsite Jakes Way and Lost Canyon Road, that a nonrefundable payment of the cost for those offsite street improvements to Jakes Way be required. Dedication and improvements to Lost Canyon Road was no longer required by this project as Bridge and Thoroughfare ("B&T") fees could be used for any future improvements to Lost Canyon Road.

The project was also required to provide its pro-rata share of signalization for three traffic signals along Jakes Way; the signals would be installed when actual conditions warrant the signals. The applicant is requesting that they be refunded on their pro-rata share.

STAFF EVALUATION

After the January 17 public hearing, staff continued to research the issues raised with respect to the applicant's position that these conditions are no longer required for the project, and provides its evaluation below.

- Improvement of Jakes Way was cited as part of the findings for the original approval of the project, and required as mitigation measures

The subdivision was approved by the Board along with a plan amendment, zone change, conditional use permit and oak tree permit. Findings for approval are clear that the proposed project was located to "effectively provide services throughout the urban area, including adequate transportation facilities" (Finding No. 13.f, Commission Resolution for Zone Change Case No. 86-522-(5)).

Findings are also clear that the applicant agreed to participate in appropriate road improvements that were evaluated as part of the project in the Environmental Impact Report, as necessary mitigation measures to reduce road service impacts (Findings No. 11 and 13, Commission Resolution for Zone Change Case No. 86-522-(5), Board findings of approval for TR 45023). These were incorporated into the project's Mitigation Monitoring Program ("MMP"), and were part of the Statement of Overriding Considerations for approval of the project despite significant impacts to air quality that could not be mitigated to less than significant.

The MMP also describes separate impacts to traffic and access: traffic from projected 1994 area development, and impacts from phased single access. As mitigation for these impacts, measures included that reference to conditions that limited the project's phase to 300 units with one means of access and emergency access.

- Five amendments were processed to accommodate technical difficulties or minor changes associated with the project

After tentative map approval, the project was amended five times, most pertinent with respect to acquiring offsite permission and dedication for Jakes Way and Lost Canyon Road. Key amendments are summarized below:

- 1999 (Amendment No. 1): Conditions were amended to allow a temporary driveway as a second means of access for up to 444 dwelling units.

- 2000 (Amendment No. 2): Conditions were amended to allow a temporary driveway as a second means of access for up to 608 dwelling units.
- 2004 (Amendment No. 5): After negotiations failed with adjacent property owners, conditions were amended to eliminate the offsite requirements for Lost Canyon Road, and require nonrefundable payment of the cost for improvement to Jakes Way.

The applicant subsequently submitted the required study for estimation of the costs, and fulfilled the amended condition by submitting the required fees. The last phase of TR 45023 recorded on July 14, 2004.

- Los Angeles County Departments of Public Works and Fire object to the elimination of Jakes Way for TR 45023

Los Angeles County Department of Public Works ("Public Works") objects to the elimination of the condition requiring the nonrefundable cost for improvements to Jakes Way. Conditions have already been eliminated requiring offsite dedication through amendments processed to accommodate the applicant's difficulty with acquiring the offsite permission. The applicant satisfied this condition by payment of the fees, and was allowed to record its last phase in 2004.

Los Angeles County Fire Department ("Fire") also objects to the elimination of Jakes Way. The private driveway that currently provides the project's second means of access was intended to be temporary. Conditions were specific that only a certain number of homes were being permitted with the temporary driveway as a second means of access, and there is no indication in the record that Fire's acceptance of the private driveway as access, was eliminating the regional access and circulation and Jakes Way and Lost Canyon Road would provide.

- Traffic signals

Procedures already exist within Public Works that allow any developer wishing to receive refund on pro-rata shares for traffic signals, and include evidence that after five years after occupancy that the need for signalization no longer exists, that request for refund can be made. Therefore, staff does not agree that the requirement should be eliminated without evidence that conditions no longer warrant signals and after the time period specified for such evaluation.

STAFF RECOMMENDATION

The following recommendation is subject to change based on oral testimony or documentary evidence submitted during the public hearing process.

If the Regional Planning Commission agrees with staff's evaluation, staff recommends that the Commission deny Modification to Recorded Tract Map No. 45023, and direct staff to return with findings for denial.

Suggested Motion: "I move that the Regional Planning Commission close the public hearing; indicate its intent to deny Modification to Recorded Tentative Tract Map No. 45023; and direct staff to return with findings for denial."

**MODIFICATION TO
RECORDED TR 45023**

**ADDITIONAL
CORRESPONDENCE
RECEIVED**

William C. Cloyd
and
Robert Goldman

15656 Iron Canyon Road
Santa Clarita, California 91387

William C. Cloyd

Subject: TR M 45023

Date: 01-17-07

Ms Tae / Almench

January 17, 2007

Los Angeles County Regional Planning Commission
Department of Regional Planning
Hall of Records
320 West Temple Street
Los Angeles, California 90012

Dear Commissioners:

RE: Requested Modification to Recorded Map TR. 45023
Public Hearing, January 17, 2007

We have received the notice of the above-referenced request. We are the owners of 20+ acres of undeveloped property adjoining the east property line of TR. 45023. We have owned this property since 1978. (Assessor's ID. No. 2840-004-009 and 010)

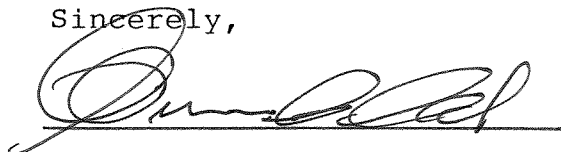
The approval of TR. 45023 was based on the road system of Lost Canyon Road to Jakes Way, going through our property. We gave to the County of Los Angeles easements for the construction of Lost Canyon Road with assurance that these roads would be constructed or bonded for by the approval of TR. 45023. We are in the design phase on our property with "VISTA CANYON RANCH" and these roads need to be completed as required by conditions of approval of TR. 45023.

After reviewing the report, we support Staff's recommendation to deny the application for the following reasons:

1. Lost Canyon Road from the MetroRail bridge north, has not been constructed. An existing paved driveway of two lanes is existing to an eastern entrance to Phases I and II of TR. 45023.
2. A temporary fire access driveway of two lanes is existing from the location of the eastern entrance to Jakes Way.
3. Existing driveways are not to County Highway Standards in all respects, i.e., number of lanes, vertical grades, alignments, and being adequate to serve a growing community.
4. The applicant has received the full benefits of TR. 45023 approval and should be held to complete the entire road system to standards of the conditions of approval of TR.45023,

We support Staff's recommendation to deny this application.

Sincerely,



William C. Cloyd



Robert Goldman

CLOYD CONSTRUCTION CO., INC.

15656 IRON CANYON ROAD

SANTA CLARITA, CALIFORNIA 91387

Ph. (661) 251-1305

Fax (661) 252-9817

Email dyole@AOL.com

Fax

Company: DEPT OF REGIONAL PLANNING

Attn: Ms SUSAN TAE

©Fax: (213) 626-0434

From: WILLIAM C. CLOYD

Date: 1/18/07

Re: TR. 45023

Pages: 2 -, including this cover

William C. Cloyd
And
Robert Goldman

15656 Iron Canyon Road
Santa Clarita, California 91387

January 18, 2007

Los Angeles County Regional Planning Commission
Department of Regional Planning
Hall of Records
320 West Temple Street
Los Angeles, California 90012

Dear Commissioners:

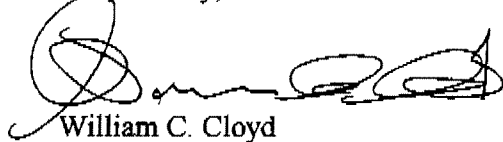
Re: Requested Modification to Recorded Map TR. 45023 – Public Hearing and our
Letter of January 17, 2007

After yesterday's Hearing, Mr. Peter Novak made a statement to me which led me to research the matter of easements to the County of Los Angeles referred to at the Hearing. I discovered that the easements had been proposed, but not finalized. I, therefore, request that my testimony and letter of January 17, 2007, be amended to reflect that correction.

This is the only amendment to our response to this proposed Modification to TR. 45023.

With apologies for this error,

Respectfully,



William C. Cloyd

Cc: Mr. Peter J. Novak, G.H. Palmer Associates
Ms. Susan Tae, Regional Planning Department
Mr. B. Witter, LADPU

William C. Cloyd
and
Robert Goldman

15656 Iron Canyon Road
Santa Clarita, California 91387

January 15, 2007

Ms. Susie Tae, AICP
Land Divisions Section
County of Los Angeles
320 W. Temple Street
Los Angeles, California 90012



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Public Hearing, January 17, 2007

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3. Existing driveways are not to County Highway Standards in all respects, i.e., number of lanes, vertical grades, alignments, and being adequate to serve a growing community.
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We support Staff's recommendation to deny this application.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Cloyd", written over a horizontal line.

William C. Cloyd

A handwritten signature in dark ink, appearing to read "Robert Goldman", written over a horizontal line.

Robert Goldman